

Patent
5962-4

Remarks

Claims 1-24 are currently pending. Applicant gratefully acknowledges the examiner's allowance of claims 8 and 20 if rewritten in independent form, including all of the limitations of the base claim and any intervening claims. Claims 1,2, 3 and 14 have been amended. The examiner's rejections of claims 1-7, 8-20 and 21-24 are respectfully traversed. Reconsideration is requested.

The examiner has rejected claims 2-5 and 12 and 13 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention.

Applicant has amended claims 2, 3 and 5 to more particularly point out and distinctly claim the subject matter which Applicant regards as the invention. In particular, the reference to the operable member has been amended to recite the "pointed member", and rendering claims 2-5 allowable under Section 112. Claims

The examiner has also rejected claims 1-7, 9-19, and 21-24 under 35 U.S.C. 102(b) as being anticipated by Sterling, U.S. 70,913.

The rejection over Sterling is respectfully traversed. Sterling does not disclose the invention as claimed. In particular Sterling nowhere discloses an auxiliary member for mounting on a fish hook which includes an operable member having a base and a pointed pivoting member mounted on the base, the pointed pivoting member operable between a first retracted position adjacent the shank and a second extended position away from the shank, and the base having surfaces defining a channel sized for clampingly receiving a shank portion of the fish hook as claimed in amended claim 14, and in combination with a

Patent
5962-4

hook and shank in claim 1. Instead, Sterling discloses a hook having a shank and a sliding auxiliary point that is not clampingly engaged on the shank, and which is not operable between first and second positions adjacent to and spaced apart from the shank. Since Sterling does not teach each and every element of the claimed invention, it is not a reference that anticipates the claimed invention. Applicant respectfully submits that each of claims 1-7, 9-19 and 21-24 are therefore allowable over the prior art, and respectfully requests a Notice of Allowance.

CONCLUSION

Applicant respectfully submits that each of the examiner's rejections has been overcome, and that this application is in condition for allowance. Such is respectfully requested. The examiner is invited to call the undersigned if doing so would be of benefit in advancing prosecution of the application.

Respectfully submitted,
Glenn C. Brown, P.C.
Glenn C. Brown
Registration No. 34,555

GCB/cjb

Glenn Brown, P.C.
777 N.W. Wall Street, Suite 308
Bend, Oregon 97701
541/312-2500